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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KOVAL, MELISSA J

ART UNIT PAPER NUMBER

2851

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,246

Applicant(s)

SHERMAN ET AL.

Examiner

Melissa J Koval

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-22 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 uses the term "non-holographic film", however this phrase does not appear nor is defined anywhere in the specification. Throughout the specification, the term "film" is used without any further description being given of the type of film used.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kremen ('562 B1).

Refer to Figure 59(a) of Kremen ('562 B1), for example. Also, refer to column 7, lines 65 through 67, and column 8, lines 1-5. Kremen makes clear therein that his invention is not limited to a holographic optical system. Throughout his disclosure Kremen compares holographic systems with conventional optical systems.

Claim 1 sets forth: "A laser projection system comprising: a Laser-CRT (reference beam 157 of coherent light) system that outputs white light, a film delivery system (holographic film 156. Refer to column 45, lines 9 and 10 wherein the teaching of using "another film on the focal plane of the diffusing screen" is set forth. The examiner interprets the teaching of "another film" to mean something other than holographic film.) including a film aperture, said film delivery system advancing non-holographic film over the aperture, for illumination by said white light, and projection optics for projecting a film image from said film onto a screen (diffusing screen 160)."

Kremen ('562 B1) does not specifically discuss either an aperture or projection optics in this embodiment, but the reference implies that such structure is known. For example, refer to Figure 63(c) of Kremen ('562 B1) wherein the film travels through a gate-like device (not labeled with a reference character) and is projected by a lens (also not labeled by a reference character). It is notoriously well-known in the art that conventional film, comprised by frames with sprockets along at least one periphery, travels through a gate, or in other words aperture, for accurate registration during the projection process. The same is true for holographic film as discussed by Kremen ('562 B1), with respect to Figure 24(c), refer to column 25, lines 34 through 67, and column 26, lines 1 through 42. Also refer to column 33, lines 33 through 67, column 34, lines 1

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through 67, and column 35, line 1. Furthermore with respect to the embodiment shown in Figure 59(a) the use of the phrase "focal plane" suggests the presence of a gate or aperture to facilitate accurate registration and exposure for any film used. Therefore claim 1 is met by figure 59(a) in view of figures 63(c), and further in view of figure 24(a) of Kremen ('562 B1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a projection system with projection optics, and a film aperture. The motivation for one having ordinary skill in the art to combine the embodiments of Kremen ('562 B1) to meet the limitations of figure 1 would be to create an operable laser projection system comprising a film delivery system, such that the laser projection system makes use of coherent light and accurate film registration to provide perfect imagery.

Claim 2 is rejected for the same reasons already applied to rejected claim 1, as it is clear that the system of Kremen ('562 B1) provides means to illuminate the film aperture only when a single frame of film is stopped.

With respect to claims 1 through 6, Kremen ('562 B1) discusses the full color with respect to monochrome operation for application to the embodiments taught therein. Furthermore refer to figure 35.

Allowable Subject Matter

Claims 7-22 are allowed.

Response to Arguments

Applicant's arguments filed July 2, 2003 have been fully considered but they are not persuasive. The patentable significance of a Laser-CRT over another type of coherent light as disclosed by Kremen has not been made clear. As applicant's specification does not clearly define the term non-holographic film, the patentable significance of the term cannot be understood when compared with Kremen's teaching of "another film".

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J Koval whose telephone number is (703) 308-4801. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on Monday through Thursday at (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318 for regular communications and (703) 872-9319 for after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MJK


RUSSELL ADAMS
PATENT EXAMINER
CENTER 2800